

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
at Santa Fe NM
JUL 31 2002

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

ROBERT M. MARCH, Clerk
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM
Rio Cebolla, Section 3

Subfile No.: CHCB-002-0014

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico
and Defendant(s):

CEBOLLA MUTUAL DOMESTIC WATER CONSUMERS ASSOC.

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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LEGAL SERVICES DIVISION

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, are set forth below:

A. DOMESTIC & SANITATION (Groundwater & Surface Water Combined):

Office of the State Engineer Files No(s) RG-21554, 3347, and 3347 Alternate

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Groundwater and surface waters of the Rito del Tanque, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: DOMESTIC, MUNICIPAL AND RELATED

Point of Diversion:

Ditch Name: INFILTRATION GALLERY (3347-Alternate)

Location X: 1,571,736 feet **Y:** 2,014,289 feet

Ditch Name: RG-21554, 3347

Location X: 1,574,647 feet **Y:** 2,019,092 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Place of Use:

Members of the Cebolla Mutual Domestic Water Consumers Association.

As shown on the 2000 Hydrographic Survey Map CHCB-1,2,3,4,5,6,7,& 8.

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

5. Defendant(s) have no water rights in the Rio Chama Stream System,

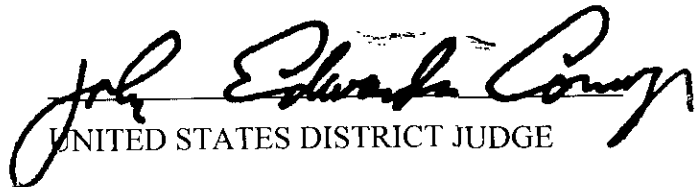
Rio Cebolla, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the waters of the Rio Chama Stream System,

Rio Cebolla, Section 3, except in strict accordance with the water rights described herein.

7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.


UNITED STATES DISTRICT JUDGE

Recommended for approval:


SPECIAL MASTER

ACCEPTED: 
CEBOLLA MUTUAL DOMESTIC WATER
CONSUMERS ASSOC.

ADDRESS: **TED J. TRUJILLO**
Attorney at Law
P.O. Box 2185
Espanola, NM 87532

DATE: June 27, 2002

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

6-27-02
Date